

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2017-1419

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on October 3, 2017. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, October 17, 2017 in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

**MAUREEN L. MUTTIE
BOROUGH CLERK**

ORDINANCE NO. 2017-1419

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

ORDINANCE AMENDING TOWING DEFINITIONS

WHEREAS, the Tinton Falls Police Department recently made recommendations for amendments to the Borough's towing fee regulations that also require certain definitional change.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Section 5-8.2 of the Revised General Ordinances of the Borough of Tinton Falls be and are hereby amended and supplemented as follows:

SECTION 1. Amendments to Section 5-8.2.

5-8.2 Definitions.

As used in this section:

"Abandoned Vehicle" shall mean a vehicle or vessel partially dismantled, not readily capable of operation under its own power, not currently used for transportation, not currently licensed, wrecked, or junked.

"Absorbents" shall mean products used to soak up spills or vehicle fluids.

"Administrative Charge" shall mean charges for services including but not limited to removal of personal items, copying of forms, inspection, telephone and/or emails, and any additional paperwork.

"Cruising" shall mean the driving of a wrecker to and fro along any Borough street for the purpose of soliciting business within the Borough of Tinton Falls.

"Debris Clean-up" shall mean the amount of debris at the scene of a motor vehicle accident from the point of impact, the final resting point of the vehicle and the associated debris field.

"Flatbed" shall mean a special wrecker for removal of special vehicles which could not be lifted by a normal wrecker without causing undue damage

"Garage" shall mean a building in which motorcars can be sheltered, stored, repaired and made ready for use. It is specifically intended not to include within the meaning of this definition, a gasoline service station used principally for furnishing gasoline, oil, lubrication service, and minor service for automobiles.

"Gross Vehicle Weight" shall mean the registration weight, the manufacturer's gross vehicle weight rating or actual weight.

"Heavy Duty Wrecker" shall mean a wrecker with a minimum lifting capacity of twenty-five (25) tons on a tandem truck chassis.

"Operator" shall mean owner or agent of servicing garages

“Person” shall mean individuals, partnerships, corporations, companies, and any other similar association of person or persons engaged in business.

“Response Time” shall mean the time the operator receives the telephone call from the Tinton Falls Police Department until the time the operator arrives on the scene.

“Service Call” shall mean a response to a motorist to provide aid for the changing of flat tires and/or providing fuel/jump start.

“Storage Fees” shall mean the maximum allowable amount to be charged by an operator for a 24 hour period. Storage includes vehicles taken to the police department or licensee yard as a result of a motor vehicle crash, impound, or disabled vehicle.

“Towing” shall mean removal of a vehicle by taking the same in tow or placing it on a flatbed

“Towing Operators Rotational List” shall mean a schedule prepared by the Traffic Safety Unit of towing operators that were approved by the Borough, to be called by the Police Department for vehicle assistance.

“Uprighting” shall mean returning of a vehicle to its proper position on all four (4) wheels or under carriage.

“Wrecker” shall mean a public vehicle employed for the purpose of towing, transporting, and/or conveying or removing vehicles which are unable to be and/or actually not operating under their own power, from the place they were disabled to some other place and a service fee is exacted.

“Winching” shall mean the process of moving a motor vehicle by the use of chains, nylon slings from a position that is not accessible for direct hook up for towing a motor vehicle. Winching includes recovering a motor vehicle not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

“Waiting Time” shall mean the time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability.

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. Effective Date.

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.